

AMENDED IN SENATE AUGUST 11, 2014

AMENDED IN SENATE MAY 28, 2013

AMENDED IN ASSEMBLY APRIL 23, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 400

**Introduced by Assembly Member Fong
(Coauthor: Assembly Member Gatto)**

February 15, 2013

An act to add Sections ~~336.7~~ 336.8 and 9011.5 to the Elections Code, relating to petitions.

LEGISLATIVE COUNSEL'S DIGEST

AB 400, as amended, Fong. Petitions: initiative, referendum, or recall.

Existing law requires that an initiative petition contain specified language advising the public of its right to determine whether the person circulating the petition is a paid signature gatherer or a volunteer.

This bill would require a state or local initiative, referendum, or recall petition circulated by a paid circulator, as defined, who is paid by a committee to include a disclosure statement identifying the persons from whom the committee received the 5 largest cumulative contributions of \$10,000 or more in support of the measure and the name of their employer, if 2 or more of these contributors have the same employer. The bill would require this disclosure statement to be updated within 7 days of any change in the 5 largest cumulative contributors. The bill would require a committee that employs one or more paid circulators for the purpose of circulating an initiative, referendum, or recall petition to submit the disclosure statement, and any updates to it, to the Secretary of State for posting on his or her Internet Web site.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 336.7 is added to the Elections Code, to~~
2 ~~read:~~

3 ~~336.7. “Paid circulator,” for the purpose of circulating an~~
4 ~~initiative, referendum, or recall petition, means a person who is~~
5 ~~compensated in any manner for collecting petition signatures to~~
6 ~~qualify a state or local initiative, referendum, or recall measure.~~

7 ~~SECTION 1. Section 336.8 is added to the Elections Code, to~~
8 ~~read:~~

9 ~~336.8. “Paid circulator,” for the purpose of circulating an~~
10 ~~initiative, referendum, or recall petition, means a person who is~~
11 ~~compensated in any manner for collecting petition signatures to~~
12 ~~qualify a state or local initiative, referendum, or recall measure.~~

13 ~~SEC. 2. Section 9011.5 is added to the Elections Code, to read:~~

14 ~~9011.5. (a) (1) Notwithstanding any other provision of law,~~
15 ~~a state or local initiative, referendum, or recall petition required~~
16 ~~to be signed by voters and circulated by a paid circulator who is~~
17 ~~paid by a committee formed pursuant to Section 82013 of the~~
18 ~~Government Code shall include, in 12-point type at the top of the~~
19 ~~petition, a disclosure statement that identifies the names of the~~
20 ~~persons from whom the committee received the five largest~~
21 ~~cumulative contributions of ten thousand dollars (\$10,000) or~~
22 ~~more.~~

23 ~~(2) If more than five persons meet the disclosure threshold~~
24 ~~described in paragraph (1) and have made identical cumulative~~
25 ~~contributions, the five persons making the largest cumulative~~
26 ~~contributions shall be disclosed according to chronological~~
27 ~~sequence of receipt of the cumulative contributions.~~

28 ~~(3) The disclosure statement required by paragraph (1) shall be~~
29 ~~updated within seven days of any change in the five largest~~
30 ~~cumulative contributors.~~

31 ~~(4) A committee that employs one or more paid circulators to~~
32 ~~circulate a state initiative, referendum, or recall petition shall~~
33 ~~submit the disclosure statement required by paragraph (1), and any~~
34 ~~updates to that statement as required by paragraph (3), to the~~

1 Secretary of State, who shall post that statement on his or her
2 Internet Web site.

3 (b) A committee that employs one or more paid circulators to
4 circulate an initiative, referendum, or recall petition shall print on
5 the petition, immediately following the disclosure statement
6 required pursuant to subdivision (a), its name and shall identify
7 itself using a name or phrase that clearly describes the economic
8 or other special interest of each person who contributed fifty
9 thousand dollars (\$50,000) or more. If two or more of these persons
10 have the same employer, the committee shall also include the
11 employer's identity in the disclosure statement.

12 (c) As used in this section, "cumulative contributions" means
13 the cumulative amount of contributions received by a committee
14 beginning 12 months prior to the date the committee made its first
15 expenditure to qualify or support the measure.

16 (d) This section shall not be construed to require a local elections
17 official to verify the accuracy of the information required by
18 subdivision (a) or (b) or to reapprove the petition upon the update
19 required by paragraph (3) of subdivision (a).

20 (e) Signatures collected on an initiative, referendum, or recall
21 petition shall not be invalid solely because the information required
22 by subdivision (a) or (b) was absent or inaccurate.